

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1156

Introduced by Assembly Member Nunez

February 21, 2003

An act to amend ~~Section 3507~~ *Sections 3501, 3507, and 3509* of the Government Code, relating to employer-employee relations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1156, as amended, Nunez. Meyers-Milias-Brown Act: local public agencies: ~~regulations~~.

The Meyers-Milias-Brown Act authorizes a local public agency to adopt reasonable rules and regulations after consultation in good faith with representatives of an employer-employee organization or organizations for the administration of employer-employee relations under the act.

This bill would revise the definition of "employee organization" for the purposes of the act to include any organization that seeks to represents employees of a public agency in their relations with that public agency. The bill would authorize a public agency to adopt reasonable rules and regulations after consultation in good faith with representatives of a recognized employer-employee organization or organizations. The bill would specify that employees of a local public agency and employee organizations may challenge a rule or regulation of a public agency as a violation of the act.

The Meyers-Milias Brown Act delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and

employee, including processing unfair labor charges. The act prohibits the board from finding it an unfair labor practice for an employee organization to violate a rule or regulation adopted by a public agency if that rule or regulation is in violation of the act.

This bill would specify that the powers of the board include the power to order elections, to conduct any election it orders, and to adopt rules to apply in areas where a public agency has no rule. The bill would require that a complaint alleging any violation of any rules and regulations adopted by a public agency regarding the designation of management and confidential employees of a public agency and restricting those employees from representing any employee organization that represents other employees of the public agency be processed as an unfair practice charge and that a complaint raised in the context of a board investigation into unit determination, representation, recognition, or elections be processed as part of that proceeding.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *It is the intent of the Legislature that the*
 2 *amendments made to Sections 3501, 3507, and 3509 of the*
 3 *Government Code by this act are intended to be technical and*
 4 *clarifying of existing law.*

5 SEC. 2. *Section 3501 of the Government Code is amended to*
 6 *read:*

7 3501. As used in this chapter:

8 (a) “Employee organization” means ~~any~~—*either of the*
 9 *following:*

10 (1) ~~Any organization which—that~~ *includes employees of a public*
 11 *agency and which—that* ~~has as one of its primary purposes~~
 12 *representing those employees in their relations with that public*
 13 *agency.*

14 (2) *Any organization that seeks to represent employees of a*
 15 *public agency in their relations with that public agency.*

16 (b) “Recognized employee organization” means an employee
 17 organization which has been formally acknowledged by the public
 18 agency as an employee organization that represents employees of
 19 the public agency.

(c) Except as otherwise provided in this subdivision, “public agency” means every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, “public agency” does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 5 (commencing with Section 45100) of Part 25 and Chapter 4 (commencing with Section 88000) of Part 51 of the Education Code or the State of California.

(d) “Public employee” means any person employed by any public agency, including employees of the fire departments and fire services of counties, cities, cities and counties, districts, and other political subdivisions of the state, excepting those persons elected by popular vote or appointed to office by the Governor of this state.

(e) “Mediation” means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized employee organization or recognized employee organizations through interpretation, suggestion and advice.

(f) “Board” means the Public Employment Relations Board established pursuant to Section 3541.

SEC. 3. Section 3507 of the Government Code is amended to read:

3507. (a) A public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of a recognized employee organization or organizations for the administration of employer-employee relations under this chapter.

The rules and regulations may include provisions for all of the following:

(1) Verifying that an organization does in fact represent employees of the public agency.

(2) Verifying the official status of employee organization officers and representatives.

(3) Recognition of employee organizations.

1 (4) Exclusive recognition of employee organizations formally
2 recognized pursuant to a vote of the employees of the agency or
3 an appropriate unit thereof, subject to the right of an employee to
4 represent himself or herself as provided in Section 3502.

5 (5) Additional procedures for the resolution of disputes
6 involving wages, hours and other terms and conditions of
7 employment.

8 (6) Access of employee organization officers and
9 representatives to work locations.

10 (7) Use of official bulletin boards and other means of
11 communication by employee organizations.

12 (8) Furnishing nonconfidential information pertaining to
13 employment relations to employee organizations.

14 (9) Any other matters that are necessary to carry out the
15 purposes of this chapter.

16 (b) Exclusive recognition of employee organizations formally
17 recognized as majority representatives pursuant to a vote of the
18 employees may be revoked by a majority vote of the employees
19 only after a period of not less than 12 months following the date
20 of recognition.

21 (c) No public agency shall unreasonably withhold recognition
22 of employee organizations.

23 (d) *Employees and employee organizations shall be able to*
24 *challenge a rule or regulation of a public agency as a violation of*
25 *this chapter.*

26 SEC. 4. *Section 3509 of the Government Code is amended to*
27 *read:*

28 3509. (a) The powers and duties of the board described in
29 Section 3541.3 shall also apply, as appropriate, to this chapter and
30 shall include the authority as set forth in subdivisions (b) and (c).
31 *Included among the appropriate powers of the board are the power*
32 *to order elections, to conduct any election the board orders, and*
33 *to adopt rules to apply in areas where a public agency has no rule.*

34 (b) A complaint alleging any violation of this chapter or of any
35 rules and regulations adopted by a public agency pursuant to
36 Section 3507 *or 3507.5* shall be processed as an unfair practice
37 charge by the board *or, if raised in the context of a board*
38 *investigation into unit determination, representation, recognition,*
39 *or elections, as a part of that proceeding.* The initial determination
40 as to whether the charge of unfair practice is justified and, if so, the

1 appropriate remedy necessary to effectuate the purposes of this
2 chapter, shall be a matter within the exclusive jurisdiction of the
3 board. The board shall apply and interpret unfair labor practices
4 consistent with existing judicial interpretations of this chapter.

5 (c) The board shall enforce and apply rules adopted by a public
6 agency concerning unit determinations, representation,
7 recognition, and elections *that are not in violation of this chapter*.

8 (d) Notwithstanding subdivisions (a) to (c), inclusive, the
9 employee relations commissions established by, and in effect for,
10 the County of Los Angeles and the City of Los Angeles pursuant
11 to Section 3507 shall have the power and responsibility to take
12 actions on recognition, unit determinations, elections, and all
13 unfair practices, and to issue determinations and orders as the
14 employee relations commissions deem necessary, consistent with
15 and pursuant to the policies of this chapter.

16 (e) This section shall not apply to employees designated as
17 management employees under Section 3507.5.

18 (f) The board shall not find it an unfair practice for an employee
19 organization to violate a rule or regulation adopted by a public
20 agency if that rule or regulation is itself in violation of this chapter.
21 This subdivision shall not be construed to restrict or expand the
22 board's jurisdiction or authority as set forth in subdivisions (a) to
23 (c), inclusive.

